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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,928	11/28/2000	Stephen P.A. Fodor	AFFY-041/02US 011851-2209	9541
33522 7590 08/03/2007 COOLEY GODWARD LLP THE BOWEN BUILDING ATTN: THE PATENT GROUP 875 15TH STREET, N.W., SUITE 800 WASHINGTON, DC 20005-2221			EXAMINER SKOWRONEK, KARLHEINZ R	
			ART UNIT 1631	PAPER NUMBER
			MAIL DATE 08/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09724928	11/28/2000	FODOR ET AL.	AFFY-041/02US 011851-

2209

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**EXAMINER**

Karlheinz R.. Skowronek

**ART UNIT****PAPER**

1631

20070724

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

On 5 June 2007, Applicants submitted 129 pages of an IDS. On this IDS there were 974 references. The extraordinary number of references poses a serious burden on the office.

The instant claims are specifically drawn to a computer program for performing a method of inputting data from an array of known or determinable nucleic acids comprising attaching preformed known or determinable nucleic acids to a substrate at a defined density of more than 400 different nucleic acids per cm squared.

The IDSs filed contain several references which do not appear to be related to the claimed subject matter of the instant application.

1. On page 3 of the document filed 5 June 2007, the document suggests that the declaration by Dr. Pirrung is directed to the non-enablement of the VLSIPS method of nucleic acid synthesis. It is noted that the instant claims specifically exclude VLSIPS method, as they are directed to preformed nucleic acids. Thus, it appears this document would not be relevant to the pending claims.
2. On page 69 of the document filed 5 June 2007, reference is made to asserted claims in US 6,399,365 reciting the limitation of the inclusion of a bar code. The instant claims are not directed to a bar code claim.
3. On page 13 of the document filed 5 June 2007, references to Exhibit 1 is provided. The instant submission does not appear to contain Exhibits.
4. On page 43 of the document filed 5 June 2007, reference to EP 0834576 which is directed to method of contacting an array with a first and second distinguishably labeled collections of nucleic acids. The instant claims are not drawn to a method of contacting an array with a first and second distinguishably labeled collections of nucleic acids. Moreover the references cited, including Drmanac (1993) appears to be directed to SBH and mapping. This does not appear to be relevant to the pending claims.

The following information is required to consider the art suggested by the applicant as relevant to this examination in the IDS filed 5 June 2007.

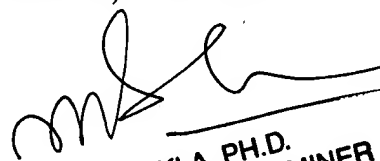
A) Applicants are specifically required to point out the references cited on 5 June 2007 which describe a method of forming an array of "preformed nucleic acids" or immobilizing "preformed nucleic acids" on a substrate.

B) Applicants are specifically required to point out the references cited on 5 June 2007 which describe an array, substrate or solid support comprising nucleic acids at a density of more than 400 different nucleic acids/cm<sup>2</sup>.

Requirements for information under 37 CFR 1.105 made without an action on the merits, a shortened statutory period of two months for reply is set. Applicant may extend the time period for reply up to six months in accordance with 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karlheinz R. Skowronek whose telephone number is (571) 272-9047. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm (EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
RAM R. SHUKLA, PH.D.  
SUPERVISORY PATENT EXAMINER